

better clarification of the claimed subject matter regarding the COOH moiety. Claims 3 and 4 were canceled to prevent confusion. Entry of the foregoing amendment is respectfully requested. No new matter has been added. Claims 1, 2, and 5-21 are pending.

35 U.S.C. §112 Rejection

Claims 1 and 4 were rejected under 35 U.S.C. §112 second paragraph as indefinite. Claim 1 was rejected as lacking a citation to an anion. Claim 1 was amended so that it includes salts (as noted in the many compound examples). Salts imply an anion. Thus the rejection of claim 1 has been obviated.

Claim 4 was rejected as identical to claim 3. Claim 1 was amended to obviate both claims 3 and 4.

35 U.S.C. §102 Rejection

Claims 1, 2 and 5 were rejected under 35 U.S.C. §102(b) as anticipated by Litvienko (Russian abstract). Claim 1 was amended to incorporate the limitation of claims 3/4. Therefore, the foregoing amendment to claim 1 obviates this rejection.

35 U.S.C. §103 Rejection

Claims 1, 3 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Gubin. The Examiner seems to have picked out the compound N-phenylacetyl 2-methyl 4-ethoxycarbonyl pyridinium bromide as one synthesized in column 48 lines 5-9 of Gubin. The Examiner then stated that the "acid is obvious over the ester." Applicants submit that the foregoing amendment to claim 1 obviates this rejection.

The issue of whether an acid is obvious over an ester, that is whether an ester cleaves so easily that Gubin actually possessed the acid, is moot in view of the foregoing amendment. Withdrawal of this rejection is respectfully requested.

In summary, applicants respectfully request reconsideration of pending claims 1, 2, and 5-21, reconsideration of the rejections in view of the foregoing amendment and remarks and allowance of claims 1, 2, and 5-21.

Respectfully submitted,

Todd M. Becker
Reg. No. 43,487
for Jeffrey B. Oster
Attorney for Applicants
Registration No. 32,585

Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Telephone (206) 628 7711
Facsimile (206) 628 7699